IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 29432 of 2007(D)

PETITIONERS:
----

1. **N.SAINULABDHIN, S/O. NOOHUKANNU,**
   SHAJI NIVAS MANZIL, PARAKUNNU DESOM,
   NAVAIKULAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.

2. **NAVAS, S/O. SAINULABDHIN,**
   SHAJI NIVAS MANZIL, PARAKUNNU P.O.,
   NAVAIKULAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.RAJENDRAN.

RESPONDENTS:
----

1. **THE DIRECTOR GENERAL OF POLICE**
   OF KERALA, THIRUVANANTHAPURAM.

2. **SUPERINTENDENT OF POLICE,**
   THIRUVANANTHAPURAM (RURAL DISTRICT),
   THIRUVANANTHAPURAM.

3. **RAKESH,**
   SUB INSPECTOR OF POLICE, KALLAMBALAM POLICE
   STATION, THIRUVANANTHAPURAM DISTRICT.

4. **ADV. C.RAJU, S/O. GOPALAKRISHNAKURUP,**
   KIZHAKUNGARA VEEDU, CHAVARAGODE, NAVAIKULAM.

5. SABU, S/O. DIVAKARAN,
ROADVILA VEEDU, PARAKUNNU P.O., NAVAIKULAM.

BY ADV. SRI.M.R.RAJESH,
GOVT. PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.29432/2007-D:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE JUDGEMENT DTD. 18/03/2004.

EXT.P.2: COPY OF THE F1 STATEMENT AND FIR.

EXT.P.3: COPY OF THE GIST OF THE ALLEGATIONS.

EXT.P.4: COPY OF THE PETITION DTD. 29/09/2007.

EXT.P.5: COPY OF THE RELEVANT PAGE OF THE DESAHABHIMANI DAILY NEWS PAPER DTD. 30/08/2007.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.29432 of 2007-D

Judgment

Balakrishnan Nair, J.

The petitioners are father and son. They are running a cashew factory. Respondents 4 and 5 are the leaders of a political party and also a trade union of the cashew workers. When they obstructed the functioning of the petitioners' unit earlier, the first petitioner approached this Court and this Court by Ext.P1 Judgment dated 18.03.2004, ordered to grant protection to run his factory, provided he has obtained licence from the Panchayat. The present grievance of the petitioners is that respondents 4 and 5, who have great influence over the Police, are using the Police to register false crimes against them and harassing them. A crime has been registered against them under Section 307 IPC, though the offence disclosed is only the one under Section 324 IPC. Similarly, the second petitioner has been implicated in a crime in which one of the offences alleged is under Section 354 IPC. Later, on investigation, the Police filed a report, deleting the said offence before the Magistrate's court. The petitioners submit, they have been threatened by the third respondent that

they will be implicated in crimes in future also. The first petitioner has filed Ext.P4 representation before the Director General of Police and thereafter, this Writ Petition is filed, praying for a direction to the 3rd respondent not to register any false case against the petitioners or harass them. Other reliefs are also sought.

2. The learned Government Pleader upon instruction submitted that the allegations against the 3rd respondent are unfounded. The crime in which the first petitioner was accused was registered under Section 307, initially, by the Assistant Sub Inspector of Police, who was in charge of the Station House Officer, at the relevant time. It was investigated by the Circle Inspector of Police and later by the Deputy Superintendent of Police. The learned Government Pleader denies the allegation of harassment or registration of false crimes against the petitioners. The Police are only taking action in accordance with law and they have no intention whatsoever to harass the petitioners, it is submitted.

3. Respondents 4 and 5 have filed a counter affidavit, denying the allegations against them. According to them, the 4th respondent was attacked by the petitioners and their musclemen with the intention to kill him. Therefore,

the crime has been registered against them rightly under Section 307 IPC.

4. Having regard to the nature of the dispute, we feel that this Court cannot issue any particular direction in this case concerning registration of crimes, which is the main grievance of the petitioners. But, we record the submission of the learned Government Pleader that the Police are not harassing the petitioners and they have no intention whatsoever to harass them. If a particular case is registered falsely, the petitioners have to work out their remedy against it in accordance with law. No omnibus direction can be issued from this Court concerning registration of crimes.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE

01.11.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

sta